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PUNISHING STATES THAT CAUSE GLOBAL POVERTY[†]

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I.	INTRODUCTION.....	519
II.	THE THRESHOLD CONDITION	520
III.	THE GLOBAL HARM PRINCIPLE.....	525
IV.	CONCLUSION	531

Nowhere does human nature appear less lovable than in the relations of whole nations to each other. . . . The will to subjugate another, or encroach upon what belongs to him, is always present.¹

Everyone has the right to life, liberty, and security of person.²

I. INTRODUCTION

Since the end of the Cold War, “ordinary deaths from starvation and preventable diseases” amount to approximately 250 million people, most of them children.³ Global poverty refuses to decline, as global inequality continues to increase, more than doubling since 1960.⁴ Thomas Pogge argues that wealthy states have a responsibility to help those in severe poverty.⁵ This

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1. IMMANUEL KANT, ON THE OLD SAW: THAT MAY BE RIGHT IN THEORY BUT IT WON’T WORK IN PRACTICE 312 (John R. Silber ed., E. B. Ashton trans., 1974).

2. Universal Declaration of Human Rights, G.A. Res. 217A (III), art. 3, U.N. Doc. A/810 (Dec. 12, 1948) [hereinafter UDHR].

3. THOMAS W. POGGE, WORLD POVERTY AND HUMAN RIGHTS: COSMOPOLITAN RESPONSIBILITIES AND REFORMS 98 (2002).

4. *Id.* at 99–100.

5. *Id.* at 22–23, 25.

responsibility arises from the foreseeable and avoidable harm the current global institutional order perpetrates on poor states.⁶ Pogge demands that wealthy states eradicate global poverty, not merely because they have the resources, but because they share responsibility for its continuation.⁷ Thus, for Pogge, global poverty is more than a wrong imposed on the poor: it is a violation of human rights and a crime.

In this paper, I aim to demonstrate that Pogge's conclusions do not follow from his argument. More specifically, if affluent states have a negative duty to assist those in severe poverty, their duty is not absolute because they are not fully responsible for this poverty. Moreover, if global poverty is one of the greatest crimes against humanity, then it seems inappropriate at best to support proposals, *pace* Pogge, which leave the guilty parties walking free. We should punish states that cause global poverty.

II. THE THRESHOLD CONDITION⁸

Human rights enjoy a particular status amongst more general rights. States often disagree about what should serve as rights. Human rights are those rights commonly ascribed to citizens by most states. Many of these have since become incorporated into international legal documents. For example, the Universal Declaration of Human Rights marks out specific rights such as "the right to life, liberty, and security of person."⁹ These particular rights enjoy a special status, given their endorsement by most states across the globe.¹⁰

The importance of human rights rests, in part, not only on their broad acceptance in international and domestic law, but rather on their ability to enable the enjoyment of a minimally satisfactory life. That is, following the Universal Declaration of Human Rights, all persons have "the right to life," no matter their place of residence.¹¹ This view does not commit us to the position

6. *See id.* at 201.

7. *See id.* at 201–03.

8. Pogge does not employ the term "the threshold condition," although it is clearly supported by his work, as I will demonstrate in this section.

9. UDHR, *supra* note 2, art. 3.

10. *See* World Conference on Human Rights, June 14–25, 1993, *Vienna Declaration and Programme of Action*, ¶ 23, U.N. Doc A/CONF.157/23 (July 12, 1993).

11. *See* UDHR, *supra* note 2, art. 3.

that all people must enjoy the same life, but that everyone has the right to enjoy a certain standard of living, meeting or exceeding a certain threshold of bare existence. Let us call the right to a life above this bare minimum *the threshold condition*. If others prevent us from meeting or surpassing this threshold, then they both deny the enjoyment of our basic needs *and* their act constitutes a human rights violation. The *threshold condition*, then, stipulates that a person suffers a violation of her human rights if she is prevented from the enjoyment of a basic good. We violate human rights and deny basic needs when we fail to meet the *threshold condition*.¹²

Thomas Pogge lists several basic needs that require the special standing of human rights. He says “other, more elementary basic goods are . . . physical integrity, subsistence supplies (of food and drink, clothing, shelter, and basic health care), freedom of movement and action, as well as basic education, and economic participation.”¹³

This list is not meant to be exhaustive.¹⁴ But we need not attempt to spell out all basic needs. Instead, let us agree with Pogge that any conception of basic needs satisfying the threshold condition will include “the right to life, liberty, and security of person” as found in Article III of the Universal Declaration of Human Rights.¹⁵ Thus, when the enjoyment of basic needs meets the threshold condition, we can agree with Pogge that social institutions which ensure “secure access . . . to minimally adequate shares of all basic goods . . . are, according to my proposed core criterion of basic justice, fully just.”¹⁶

When the threshold condition is not met, we are denied access to our most basic needs and our human right to these needs is violated. The violation of human rights is not something we do to ourselves, but something others do to us. Specifically, we suffer a harm in having our rights violated. If we choose to fast and deny ourselves access to food, our human rights are secure insofar as

12. See POGGE, *supra* note 3, at 38. Pogge notes that the threshold condition is not static: “These thresholds will vary for different human rights and for different sources of threats to one human right These differentiations have to be incorporated into the specification of human rights.” *Id.* at 48.

13. *Id.* at 49. See THOMAS W. POGGE, *REALIZING RAWLS* 33 (1989).

14. Pogge notes that other goods serve as basic needs, such as “liberty of conscience” and “political participation” amongst many others. See POGGE, *supra* note 3, at 48–49.

15. UDHR, *supra* note 2.

16. *Id.* at 38.

food is available to satisfy our basic needs. We may deny nourishment to the point of causing physical harm to our bodies. The only variety of harms that count as human rights violations, however, are those harms inflicted on us by others that deny us the satisfaction of our basic needs.

When others deny us access to basic needs, such as food, they violate our human rights by virtue of the harm they impose upon us.¹⁷ One form this violation can take is an *institutionally engendered crime*.¹⁸ Such a view is best understood by an *institutional* approach. The institutional approach highlights the way our institutions contribute to the occurrence of harm.¹⁹ It does not deny that other factors may contribute to harm or human rights violations.²⁰ Nor does this view deny responsibility to those who harm others for their wrongdoing. Instead, Pogge argues that we should judge our institutions based on how well they protect our basic needs and human rights.²¹

Institutions do not warrant our support if they avoidably engender foreseeable deprivations of our basic needs. The institutional approach helps narrow our attention on the problem of human rights violations in a new way, namely, “[w]e are asked to be concerned about avoidably unfulfilled human rights not simply insofar as they exist at all, but only insofar as they are produced by coercive social institutions in whose imposition we are involved.”²²

Human rights violations occur on an individual level—i.e., only individuals can suffer human rights violations—but it is important not to lose sight of the role institutions may play in engendering human rights violations and increasing their likelihood. The utility of the institutional approach is found in its ability to highlight the ways in which institutional factors impact on the denial of human rights to individuals. Indeed, Pogge offers a compelling case that our global institutional order does engender harm. He readily reminds us of any number of alarming statistics concerning the size and scale of severe global poverty.²³ Our global

17. See generally *id.* at 47–49 (discussing the violation of basic human rights).

18. See *id.* at 199.

19. See *id.* at 49.

20. See *id.* at 199–204.

21. See Thomas W. Pogge, *Liberalism and Global Justice: Hoffmann and Nardin on Morality in International Affairs*, 15 PHIL. & PUB. AFF. 67, 70 (1986).

22. POGGE, *supra* note 3, at 172; Thomas W. Pogge, *Cosmopolitanism and Sovereignty*, 103 ETHICS 48, 52 (1992).

23. See POGGE, *supra* note 3, at 2.

institutional order is thought to not only constitute a structure that *allows* for severe poverty, but has also *given rise* to increasing political and economic inequalities between affluent and poor countries.²⁴

More importantly, our global institutional order does not merely allow for such deprivation and inequality: it *engenders* severe poverty and inequality. Pogge provides countless examples. One source is international economic bodies, such as the World Trade Organization, which have enabled the exacerbation of deaths from global poverty through monetary agreements that favour affluent states at the cost of poor states.²⁵ A second source is protectionist exemptions insisted upon by affluent states, which have “had a huge impact on employment, incomes, economic growth, and tax revenues in the developing world where many live on the brink of starvation.”²⁶ A third source concerns what Pogge aptly identifies as the *international resource privilege* whereby Third World dictators sell large swathes of national resources and incur foreboding debts, enriching themselves at the great expense of the welfare of their people.²⁷ Potential coup leaders vie for control through civil war in order to take advantage of this privilege.²⁸ We would remove a major incentive for political and economic instability within countries suffering from severe poverty if we denied the international resource privilege.²⁹ In these ways, the global institutional order contributes to global poverty.

Nowhere does Pogge deny that other factors also contribute to the existence of global poverty, nor is he committed to the view that the global institutional order is the primary or solitary cause.³⁰

24. See *id.* at 199–201.

25. See *id.* at 18–19.

26. *Id.* at 18.

27. See POGGE, *supra* note 3, at 113–14, 142–43; Thomas W. Pogge, “Assisting” the Global Poor, in THE ETHICS OF ASSISTANCE 260, 270–72 (Deen K. Chatterjee ed., 2004); Thomas W. Pogge, *Recognized and Violated by International Law: The Human Right of the Global Poor*, 18 LEIDEN J. OF INT’L LAW 717, 737–40 (2005); see also PETER SINGER, ONE WORLD: THE ETHICS OF GLOBALIZATION 105 (2d ed. 2004).

28. POGGE, *supra* note 3, at 113–14, 142–43; Pogge, “Assisting” the Global Poor, *supra* note 27, at 270–71; Pogge, *Recognized and Violated by International Law*, *supra* note 27, at 738–39.

29. POGGE, *supra* note 3, 142–43, 154–55, 162–67; Pogge, *Recognized and Violated by International Law*, *supra* note 27, at 739–40.

30. See Alison M. Jaggar, “Saving Amina”: Global Justice for Women and Intercultural Dialogue, in REAL WORLD JUSTICE 37, 47–49 (Andreas Follesdal & Thomas Pogge eds., 2005).

He recognizes that several other factors may well play a role, too.³¹ Pogge is only committed to the view that the global institutional order is *one contributing factor* in the creation and maintenance of global poverty.³²

Global poverty is a deprivation of basic needs to people without their consent; global poverty is a human rights violation.³³ Affluent states bear responsibility for this state of affairs.³⁴ Pogge's concern is not merely that affluent states support a global institutional order that engenders poverty. On the contrary, his concern is that these states bear responsibility for an order that harms poor states in a way that is foreseeable and avoidable.³⁵ That is, states are *responsible* to the degree they cooperate in a global institutional order that engenders human rights deprivations on the global poor.³⁶ Pogge nowhere claims that the global institutional order is the sole or primary cause of global poverty, admitting that other factors have relevance as well. It then follows that, while the global institutional order's responsibility for global poverty may be high, it is not absolute: it does not possess full responsibility for global poverty because it is not the only relevant causal or moral factor for global poverty.³⁷

Affluent Western states, thus, *share* responsibility for global poverty: they do not own complete responsibility.³⁸ For example, affluent states share their responsibility with corrupt politicians in the Third World.³⁹ Pogge offers us a useful example:

Faulting institutional factors for a high murder rate need not at all exonerate the criminals, nor is denouncing all murders and murderers tantamount to condoning laxity

31. Thomas W. Pogge, *An Egalitarian Law of Peoples*, 23 PHIL. & PUB. AFF. 195, 213–14 (1994).

32. *Id.*

33. See, e.g., Pogge, *Recognized and Violated by International Law*, *supra* note 27, at 717–45; Jaggard, *supra* note 30, at 45, 47–50.

34. See POGGE, *supra* note 3, at 115 (stating that the international borrowing privilege helps rulers maintain power and results in countries saddled with debt); see also *id.* at 142 (stating that we as citizens of rich countries are implicated by authorizing our firms to acquire resources from tyrants); see also *supra* note 29 and accompanying text.

35. See Thomas W. Pogge, *Severe Poverty as a Violation of Negative Duties*, 19.1 ETHICS & INT'L AFF. 55, 60 (2005); POGGE, *supra* note 3, at 198.

36. See Pogge, "Assisting" the Global Poor, *supra* note 27, at 279.

37. See Pogge, *supra* note 31, at 213–14 (stating that poverty creates corruption); POGGE, *supra* note 3, at 199, 201–04.

38. See POGGE, *supra* note 3, at 115.

39. See *id.* at 22.

of gun control Even though each and every murderer is fully accountable for his act, the citizens in a democracy may also bear an additional collective responsibility for some fraction of all homicides if these are attributable to the lack of adequate handgun legislation, for example, or to an unjust distribution of police protection.⁴⁰

Perhaps affluent states are primarily responsible for global poverty through the global institutional order they impose on poor states after all. Furthermore, perhaps this order makes it more likely that corrupt Third World leaders will plunder their own state's resources to the detriment of their citizens. The injustice of the global order may take the lion's share of the responsibility for the problem, but this responsibility must be shared with those who contributed to this injustice.

III. THE GLOBAL HARM PRINCIPLE

If affluent states share responsibility for causing harm to the global poor, does this warrant any duties of assistance from them? For Pogge, each of us has a negative duty to refrain from causing unwarranted harm to others.⁴¹ This duty contrasts with a positive duty: the duty to benefit others or prevent harm.⁴² Pogge nowhere denies the importance of positive duty, but instead he limits his focus to negative duty.⁴³

When we harm others, we become liable to rectify the damage we have caused. Mill's harm principle says "[t]hat the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant."⁴⁴ The harm principle holds that we have a negative duty to refrain from causing harm to others. When "the security of others" comes under threat, the harm principle demands that we compel those who harm others to refrain from their behaviour.⁴⁵ Preventative measures to end wrongful harm become necessary. In addition, Mill argues that when someone "has infringed the rules

40. POGGE, *supra* note 13, at 31.

41. See POGGE, *supra* note 3, at 130.

42. See *id.*

43. See Ser-Min Shei, *World Poverty and Moral Responsibility*, in REAL WORLD JUSTICE, *supra* note 30, at 139, 141–43.

44. JOHN STUART MILL, ON LIBERTY 9 (Elizabeth Rapaport ed., Hackett Publishing Co. 1978) (1859).

45. *Id.* at 10.

necessary for the protection of his fellow [citizens],” such persons deserve punishment.⁴⁶ If we harm others, then others can justify preventative measures to redress our wrongdoing. My duty is to avoid harm to others. But if I am responsible for harming others, I am under an obligation to correct the damage I have caused. Another way of stating this point is to say that I do not have an obligation to aid others unless I am responsible for their harm.⁴⁷

Mill’s harm principle is addressed to individuals and is meant to inform their relation to one another.⁴⁸ Yet, Pogge’s project is addressed to members of affluent states with the goal of informing them of how they are responsible for harming the global poor.⁴⁹ We might argue that Pogge, in fact, endorses what we can identify as the global analogue of the harm principle, that is, a *global harm principle*. The global harm principle states the following:

- (a) Our state has a negative duty to refrain from causing harm to other states.
- (b) If our state causes harm to other states, then these states can justify preventive measures to address the wrongdoing our state caused them.⁵⁰

States have a duty to avoid harming other states. But if our state bears responsibility for harming other states, then we have an obligation to correct the damage we have caused. That is, we have a negative duty of assistance to those we harm in virtue of our responsibility for their harm. We have a negative duty to assist, justified by our violating the global harm principle. This duty does not exist simply because others live in severe poverty. We must bear responsibility for severe poverty in order to ground our obligation to assist those we have harmed.

Affluent states share responsibility for global poverty. In imposing coercive global institutional orders, affluent states engender “associated deaths and deprivations” among the global

46. See *id.* at 77.

47. We might characterize this position along the lines of Lon Fuller’s “morality of duty.” LON L. FULLER, *THE MORALITY OF LAW* 6 (rev. ed. 1969). “It speaks in terms of ‘thou shalt not’ It does not condemn men for failing to embrace opportunities for the fullest realization of their powers. Instead, it condemns them for failing to respect the basic requirements of social living.” *Id.* My thanks to Richard Mullender for this suggestion.

48. See MILL, *supra* note 44, at 9.

49. See POGGE, *supra* note 3, at 129–30.

50. See *id.* at 130–34.

poor.⁵¹ The problem is not simply *that* the global poor suffer severe deprivation, but rather that they suffer *because* of the coercive global institutional order.⁵² Pogge says “[w]e, the affluent countries and their citizens, continue to impose a global economic order under which millions avoidably die each year from poverty-related causes We must regard our imposition of the present global order as a grave injustice”⁵³ Affluent states are responsible for a coercive global institutional order that engenders the foreseeable and avoidable harm of severe poverty. Therefore, affluent states violate the global harm principle that forbids harm to other states. As a result, affluent states have a negative duty to assist the global poor to rectify the harm that they have caused them.

If we have a negative duty to assist those we have harmed, then our next concern is determining the full extent of the assistance we owe the global poor. The idea that we can be justifiably penalized for wrongdoing is not unlike the thought that the guilty deserve punishment. In fact, Pogge makes several references to global poverty as a “crime.”⁵⁴ For Pogge, severe poverty is “the largest, (though not the gravest) crime against humanity ever committed.”⁵⁵ Severe poverty is a crime: it is a violation of human rights as a deprivation of basic needs. Moreover, it is not mere bad luck, but rather is engendered by a coercive global institutional order supported by affluent states to the detriment of the global poor. Affluent states share responsibility for the harm the global institutional order helps foster. Their responsibility manifests as a negative duty to assist the global poor to correct the harm caused them. This responsibility is not unlike the duty of a criminal to “pay back” the community for his crime, an idea central to the classical understanding of retributivist punishment.⁵⁶

There is no distinct crime that best captures the variety or scale of severe poverty perhaps beyond a “crime against humanity.”

51. See Pogge, “Assisting” the Global Poor, *supra* note 27, at 279.

52. See POGGE, *supra* note 3, at 176; Pogge, *supra* note 22, at 56–57.

53. POGGE, *supra* note 3, at 109.

54. *Id.* at 24–26.

55. Thomas Pogge, *The First UN Millenium Development Goal: A Cause for Celebration?*, in REAL WORLD JUSTICE, *supra* note 30, at 317, 334. See Pogge, “Assisting” the Global Poor, *supra* note 27, at 277; Thomas W. Pogge, *World Poverty and Human Rights*, 19.1 ETHICS & INT’L AFF. 2 (2005).

56. See John Cottingham, *Varieties of Retribution*, 29 PHIL. Q. 238, 238–46 (1979); THOM BROOKS, PUNISHMENT (forthcoming 2008); Thom Brooks, *On Retributivism*, <http://ssrn.com/abstract=857364>.

Severe poverty contains more harms than simply decreasing life expectancy and causing deaths.⁵⁷ Moreover, it affects nearly half the world's population.⁵⁸ Global poverty is more than murder, it is a crime unto itself. Pogge adopts the view of punishment as compensation: we must "compensate the global poor" in virtue of the harm we have caused them.⁵⁹ First, we must end the harm we have perpetuated. Pogge recommends we restructure the global order so that we no longer engender harming the global poor.⁶⁰ Thus, we must avoid continuing to abrogate the global harm principle. Second, our compensation must seek to correct the harm we have generated.⁶¹

But there are issues that arise in connection with these suggestions. The first problem is that Pogge's recommendations are unsatisfactory because they require more from us than our negative duties commit us to providing the global poor. The second problem is that Pogge's recommendations are unsatisfactory because they let those who *today* engender severe poverty walk free *tomorrow* without sanction.

Negative duties are tied to the harm we are responsible for bringing about. The greater our responsibility for our wrongdoings, the greater our obligation to rectify the damage we have caused. Negative duties to assistance only commit us to eradicating global poverty if we bear full responsibility for it. Yet we have seen that, while Pogge offers a convincing account that affluent states share responsibility for engendering global poverty, he clearly recognizes that other factors contribute to the existence of severe poverty.⁶² Affluent states do not own *complete* responsibility for the full reality of global poverty.⁶³

The lack of complete responsibility is a major problem for several reasons. The first reason is that Pogge mistakenly believes his argument for a negative duty to assist commits him to the view that we have an obligation to eradicate global poverty. For example, he argues that "[e]ach member of society, according to

57. See POGGE, *supra* note 3, at 199–201.

58. See Pogge, "Assisting" the Global Poor, *supra* note 27, at 265.

59. See *id.* at 278; POGGE, *supra* note 3, at 140; Debra Satz, *What Do We Owe the Global Poor?*, 19 ETHICS & INT'L AFF. 48–50 (2005) (arguing that experts disagree on the best measures for economic justice).

60. See POGGE, *supra* note 3, at 9.

61. *Id.*; see also Pogge, "Assisting" the Global Poor, *supra* note 27, at 278.

62. POGGE, *supra* note 3, at 115–16.

63. *Id.*; see also Pogge, "Assisting" the Global Poor, *supra* note 27, at 268.

his or her means, is to help bring about and sustain a social and economic order within which all have secure access to basic necessities.”⁶⁴ He is well known for his proposal that if affluent states gave just one percent of their aggregate global income, then world poverty would be eradicated—and so we should end world poverty.⁶⁵

While ridding the world of global poverty may be morally required on any number of grounds, Pogge’s arguments pertaining to negative duties of assistance do not support such a move. If affluent states share responsibility for the harm of global poverty, then surely their duties to assist extend no further than the degree of responsibility they possess. Affluent states are not wholly responsible for the engendering of global poverty and, thus, they are not wholly responsible for eradicating global poverty. They lack a negative duty to eradicate global poverty. Of course, this still leaves open a justificatory strategy for arguing that positive duties of assistance may make up the remainder. But negative duties to assist cannot support global poverty eradication as the argument stands.

This matter is related to a second problem. We owe compensation as a form of punishment for our causing harm to others. Our punishment should be proportional to our crime; our compensation should be proportional to our responsibility. Pogge demonstrates *that* we share responsibility for harm.⁶⁶ He does not demonstrate any reliable method for determining *how* responsible we are for harm. Of course, any compensation scheme cannot aspire to perfect precision in addressing wrongdoing.⁶⁷ But Pogge faces a real problem in determining our share of compensation. He says “[t]o be sure, it is next to impossible to quantify the compensation efforts we owe for contributing to and (especially) profiting from the injustice of the global institutional order.”⁶⁸ In fact, Pogge admits that we are unable to calculate anyone’s responsibility “even with all the care and information in the

64. POGGE, *supra* note 3, at 69.

65. See POGGE, *supra* note 3, at 2, 205; Jaggar, *supra* note 30, at 50–51; Pogge, “Assisting” the Global Poor, *supra* note 27, at 279–80.

66. See POGGE, *supra* note 3, at 115.

67. See G.W.F. HEGEL, ELEMENTS OF THE PHILOSOPHY OF RIGHT 245–46 (Allen W. Wood ed., H.B. Nisbet trans., Cambridge Univ. Press 1991); POGGE, *supra* note 13, at 152 n.54; THOM BROOKS, HEGEL’S POLITICAL PHILOSOPHY: A SYSTEMATIC READING OF THE PHILOSOPHY OF RIGHT (forthcoming 2007).

68. Pogge, *supra* note 35, at 74.

world.”⁶⁹ If we are unable to discern even a rough guess concerning the full extent of our responsibility, then we can say no more than that we should be a party to a compensatory scheme. We cannot commit ourselves to a view of how much we owe until we have a view of how responsible we, in our state, are for the harm we cause.

Now let us consider, too, Pogge’s well known Global Resources Dividend proposal.⁷⁰ He argues that “those who make more extensive use of our planet’s resources should compensate those who, involuntarily, use very little.”⁷¹ My worry is that while the *victims* of the crime of global poverty may benefit from such a scheme, those states responsible for the deaths of several million people from poverty-related causes may walk free and escape sanction altogether. Those states most responsible for severe poverty are not required to compensate the global poor at all, but only if and when they use natural resources. If Pogge’s proposals were realized, it would be satisfactory for states that violated the global harm principle to rapidly embrace alternative, renewable energy resources which would allow these states to avoid making any contribution to this compensatory scheme. The Global Resources Dividend is presented as one means by which the damage caused by affluent states might be addressed, and yet it allows affluent states to continue to deny existence to the global poor, or at least those that the affluent states are responsible for harming. If violation of the global harm principle entails a negative duty to assist those harmed, the Global Resources Dividend is a proposal that allows states the opportunity to avoid honouring their duties to assist the global poor.

69. *Id.* at 80.

70. See POGGE, *supra* note 13, at 256 n.18, 264–65; POGGE, *supra* note 3, at 196–215; Pogge, *supra* note 31, at 199–205. For a critique, see Lisa L. Fuller, *Poverty Relief, Global Institutions, and the Problem of Compliance*, 2 J. MORAL PHIL. 285, 285–97 (2005); Tim Hayward, *Thomas Pogge’s Global Resources Dividend: A Critique and an Alternative*, 2 J. MORAL PHIL. 317, 317–32 (2005); Mathias Risse, *How Does the Global Order Harm the Poor?*, 33 PHIL. & PUB. AFF. 349, 371–75 (2005). The Global Resources Dividend is not Pogge’s only recommendation for eradicating global poverty. Pogge also makes a case for a Democracy Panel operated by the United Nations and financed by a Democracy Fund. See POGGE, *supra* note 3, at 156–66. For an alternative argument for “remedial responsibilities,” see David Miller, *Distributing Responsibilities*, 9 J. POL. PHIL. 453, 453–71 (2001); and, for its criticism, see Thom Brooks, *Cosmopolitanism and Distributing Responsibilities*, 5 CRITICAL REV. INT’L SOC. & POL. PHIL. 92, 92–97 (2002).

71. POGGE, *supra* note 3, at 204.

The existence of global poverty is claimed to be perhaps the most extensive violation of human rights in our bloodied history. Severe poverty is highlighted as perhaps the worst and most extensive crime of all time.⁷² Yet, it remains a crime that lacks *any* punishment for those who bear responsibility for its many evils. The justice of the Global Resources Dividend is restricted to its ability to help those least able to help themselves. Its justice does not extend to an adequate measure for states that engage in perpetuating global poverty because it only seeks to help victims without any sanction of offenders nor compensation from them for their wrongdoing. Thus, if negative duties require us to compensate our victims on account of our wrongdoings, then our negative duty of assistance is a duty of wrongdoers to compensate their victims. It is possible that outlaw states may either refuse to participate in Pogge's scheme or seek renewable energy sources in an effort to avoid compensating others for past wrongs, not primarily to decrease environmental degradation. Negative duties create an obligation on states whenever they cause harm. The Global Resources Dividend is not a scheme that penalizes those who harm, but a measure that grants a general amnesty to states most worthy of compensating victims.

There is something important to be said in favour of prioritizing the welfare of victims over the punishment of their perpetrators. Our victims suffer severe deprivations in need of rectification. The Global Resources Dividend is meant to satisfy the basic needs of the global poor. Any list of basic needs, however, will include rights to life and liberty, but also the right that justice be done and be seen done. Victims of severe poverty may understandably first desire physical integrity. But bound up in this right is that those who interfere in the physical integrity of the global poor must not only *refrain* from such behaviour, but they must *be held to account* for their behaviour. The Global Resources Dividend perpetuates injustice for the global poor by failing to provide for the punishment of those who harm the poor.

IV. CONCLUSION

Global poverty is a crime like no other, both more extensive in the forms of deprivations it can take and in the numbers of people

72. See Pogge, "Assisting" the Global Poor, *supra* note 27, at 277; Pogge, *supra* note 55, at 2.

affected. Pogge provides a powerful account of how affluent states have a negative duty of assistance to the global poor. The global poor are harmed by a coercive global institutional order. This order is maintained and supported by affluent states. These states have a share of responsibility for the plight of the global poor on account of the support affluent states extend to this global order, and the foreseeable and avoidable harm this order imposes on the global poor.

Pogge takes this argument to entail a negative duty to *eradicate* global poverty. On the contrary, I have argued his account only justifies assistance, but not eradication. The affluent states are not fully responsible for global poverty and, thus, only owe a degree of assistance equal to the harm caused. Affluent states have a negative duty to assist, but not to end global poverty, although this view might be supplanted by arguments in favour of positive duties to assist that lead to a more complete argument entailing eradication of global poverty. Pogge, however, does not offer such a picture.

Moreover, not only is Pogge not actually committed to poverty eradication from his arguments, but neither is he committed to the Global Resources Dividend for an additional reason. The Global Resources Dividend may end poverty, but it allows for the guilty to walk free. If global poverty is the world's greatest crime, then those who create the harms that have contributed to the modern crisis of global poverty are not held liable for any reparations for past misdeeds. Victims of injustice may well first prefer enjoyment of basic needs, but one such need is arguably the right to see justice done. Unless we punish states for causing harm to the global poor, justice is not fully implemented. Pogge's recommendations then do not follow from his arguments, nor do they satisfy a basic demand of justice.